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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,465	04/20/2006	Takuya Ishioka	289999US2PCT	7159
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
CHAN, KAWING				
ART UNIT		PAPER NUMBER		
2837				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/576,465

Applicant(s)

ISHIOKA ET AL.

Examiner

Kawing Chan

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. The Amendments and Applicant Arguments submitted on 01/30/09 have been received and its contents have been carefully considered. The examiner wishes to thank the Applicant for the response to the Examiner's action and for amending the claims in the appropriate manner.

Claims 2 and 3 are cancelled.

Claims 8-14 are added.

Claims 1 and 4-14 are pending for examination.

Claim Objections

2. The objections to claim 1 have been removed in response to Applicant's Amendments.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukai et al. (US 5,557,546) in view of Angst (WO 03/004397 A1) (Angst US

2004/0173413 A1 is the equivalent English translation of WO 03/004397 A1, hereinafter all the rejections in the following are based on US 2004/0173413 A1).

In Re claim 1, 9 and 12, with reference to Figures 2-3, Fukai discloses an elevator control apparatus (1, 2) comprising:

- An abnormality monitoring portion (24) that determines whether there exists an abnormality in an elevator (E) based on information from a sensor (22) (Col 4 lines 23-54); and
- A history information recording portion (26) that records a history of information (operational data of an elevator) concerning the determination by the abnormality monitoring portion (24) (Abstract; Col 5 lines 1-13);

Fukai fails to disclose the abnormality is detected by comparing the speed detection pattern with the speed of the car, outputting of a signal for stopping a car upon detecting an abnormality, and braking the car using the signal for stopping the car.

However, Angst discloses the abnormality information is detected by comparing end portions of a speed detection pattern (Figures 2-3) (Paragraphs [0033-0034]) having a speed which decreases the closer a car is to terminal floors (28) with a speed of the car (27) which is detected by the sensor (24), outputting a signal (Figure 9; Paragraph [0038]) for stopping a car upon detecting an abnormality (overspeed condition), and braking the elevator car using the signal for stopping the car (Paragraph [0038]).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Fukai with the

teachings of Angst, since it is known in the art to apply braking system on an elevator upon activation signal received so that the elevator can be stopped immediately once an abnormality of the elevator is detected.

In Re claim 7, Fukai teaches the history information recording portion (26) is capable of recording routine inspection history (i.e. operational data of an elevator are constantly and successively stored) (Abstract; Col 1 lines 10-33; Col 6 lines 29-37).

In Re claim 8, with reference to Figures 1A, 2 and 3, Angst discloses the speed detection pattern (28) includes a constant speed section between the end portions thereof; and the abnormality monitoring portion (24) compares the end portions and the constant speed section with the speed of the car (27).

In Re claims 10 and 13, with reference to Figures 7-9, Angst discloses a second speed detection pattern (28.2, 28.3) which are higher than the speeds of said speed detection pattern (28.1) at corresponding car positions, wherein the abnormality monitoring portion (24.2) further determines whether the speed of the car exceeds a speed of a corresponding portion of the second speed detection pattern (Paragraph [0041]).

In Re claims 11 and 14, Angst discloses a braking device (10) which brakes the car in different amounts, depending on whether the speed of the car is detected to exceed said speed detection pattern or said second speed detection pattern (Paragraph [0041]).

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukai et al. (US 5,557,546) in view of Angst (WO 03/004397 A1) (Angst US

2004/0173413 A1 is the equivalent English translation of WO 03/004397 A1, hereinafter all the rejections in the following are based on US 2004/0173413 A1) as applied to claim 1 above, and further in view of Lence Barreiro et al. (US 2003/0000777 A1).

In Re claims 4 and 5, Fukai and Angst have been discussed above, but they fail to disclose the recording portion records a combination of data and the combination of data is accumulated for each corresponding time.

However, Lence Barreiro teaches the combination of data is stored and accumulated for each corresponding time (Paragraph [0008]).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Fukai and Angst with the teachings of Lence Barreiro, since it is known in the art to store and accumulate the operation data of an elevator (i.e. speed, position) so as to be able to determine notable event (i.e. abnormality) and recommend maintenance action (Paragraph [0008]).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukai et al. (US 5,557,546) in view of Angst (WO 03/004397 A1) (Angst US 2004/0173413 A1 is the equivalent English translation of WO 03/004397 A1, hereinafter all the rejections in the following are based on US 2004/0173413 A1) as applied to claim 1 above, and further in view of Suzuki (US 4,998,601).

In Re claim 6, as we have discussed above, Fukai in view of Angst discloses the history information recording portion. In addition, Fukai teaches a recording portion (27) is capable of recording routine inspection history (i.e. experiences of previous maintenance work).

Fukai in view of Angst fails to disclose the soundness diagnosing portion.

However, with reference to Figure 3, Suzuki teaches a soundness diagnosing portion (ST 20, ST 22) that performs an automatic diagnosis on soundness of the abnormality monitoring portion (i.e. a command of restoring the usual operation) (Col 6 line 28 to Col 7 lines 4).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Fukai and Angst with the teachings of Suzuki, since it is known in the art to utilize soundness diagnosing portion to detect abnormal noise of an elevator created during an operation so as to be able to stop the operation of the elevator to protect passenger inside the elevator.

Response to Arguments

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Spiess is further cited to show related teachings in the art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BENTSU RO/
Primary Examiner, Art Unit 2837

Kawing Chan
Examiner
Art Unit 2837